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REMARKS

Claims 1, 3, 4, 8, 9, 11 to 16, 28, 29, and 37 to 39 are pending.

Claims 1, 3, 4, 13, 15, 29, and 37-39 are currently amended.

Claims 9, 12, and 14 were previously presented.

Claims 2, 5 to 8, 10, 11, 16 to 28, and 30 to 36 are cancelled.

Claims 1, 3, 4, 9, 12 to 15, 29, and 37 to 39 would be all of the claims pending in the application if the current amendment is entered.

Discussion of Claim Amendments

Claims 1, 3, 4, 13, and 15 are amended to delete subject matter that is not part of the below elected invention of Group 10. Claims 29 and 37 are amended to delete reference to Claim 8, as Claim 8 is now canceled, and to place the claim dependency in a format acceptable for wording of multiple dependent claims. Claims 38 and 39 are amended to correct typographical errors. Claim 38 is further amended to delete reference to Claim 16, as Claim 16 is canceled.

Claim 8 is canceled as being redundant in view of the amendment to the definition of group R₁ in Claim 1 that was made in the below response to the present restriction requirement. Claims 11 and 16 are canceled, as it was realized that Claims 11 and 16 are redundant in view of Claims 12 and 15, respectively. Claim 28 is canceled as being drawn to a non-elected invention of the present restriction requirement.

Restriction Under 35 U.S.C. § 121

A further restriction under 35 U.S.C. § 121 has been made. Applicants hereby elect with traverse the invention of Group 10, "Claims 1, 3, 8, 9, 11-13, and 37-39 (part of each)," drawn to compounds of formula (I) with the following substituents:

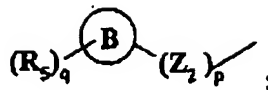
R₁ is a hydrogen atom;

- R₃ is a group of the formula:

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A is a monocycle;

pharmaceutical composition thereof as well as method of treatment using said compound; classified in classes 514 and 544, various subclasses depending on substituents.

Applicants elected the invention of Group 10 with traverse in order to respectfully request that Claims 4, 14-15, and 29 be included in the invention of Group 10. Claim 29 is directed to a pharmaceutical composition. The Examiner had included a pharmaceutical composition in the description of the invention of Group 10, but inadvertently had omitted reciting Claim 29 in the listing of the claims of Group 10.

Claims 4, 14, and 15 are directed to compounds as in Claim 1. Accordingly, Applicants believe that the compounds of Claims 4, 14, and 15, as presented above, belong in Group 10 and that a patentability search for compounds of Claims 4, 14, and 15 would not place a serious burden on the USPTO or the Examiner. A separate search for a compound of Claims 4, 14, and 15 would not be required, as a search for a compound of Claim 1 could also be used as a search for the compound of Claims 4, 14, and 15.

Conclusion

Applicants respectfully request entry of the amendment and consideration of the elected invention of Claims 1, 3, 4, 9, 12 to 15, 29, and 37 to 39.

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Respectfully submitted,

Date: December 10, 2004

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